

**United States District Court
District of Massachusetts**

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DEC 9 P 1:43
U.S. DISTRICT COURT
DISTRICT OF MASS.

**Kevin Bell, Juan R. Estrada, David Franco,
Tommie O. Hart, Josh C. Haygood, Jason E.
Larrier, Howard Lockwood, Leonard Matos
Jr., Greg McCain, Pedro R. Mendez, Angel
Perez, Herminio Rivas Jr., Martin Santa,
Julio Toledo, Rafael Vega**

PLAINTIFFS

v.

IBPO, Local 364 and City of Springfield

DEFENDANTS

**CIVIL ACTION NO.
3:04-cv-30163-MAP**

**CITY OF SPRINGFIELD'S MOTION TO DISMISS AMENDED
COMPLAINT**

NOW COMES Defendant City of Springfield and moves this honorable court, pursuant to Rule 12(b) of the Fed. R. Civ. P. to dismiss the amended complaint filed by the plaintiffs.

As grounds therefore, Defendant states:

- 1) The Amended Complaint does not present allegations upon which relief can be granted.

In support, the defendant relies on the arguments set forth in its memorandum of law submitted in opposition to the Motion for Preliminary Injunction.

WHEREFORE The Defendant respectfully requests that the Motion to Dismiss be allowed.

Respectfully submitted

DEFENDANT CITY OF
SPRINGFIELD POLICE DEPARTMENT

BY:



Edward M. Pikula, Esq.
Associate City Solicitor
City of Springfield
36 Court Street
Springfield, MA 01103
(413) 787-6085
BBO#: 377990

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Notice of Appeal was this day served upon Plaintiffs counsel of record by mailing copy of same, first class mail, to: Tammy Sharif and Holly Dawn Battige, Law Firm of Tammy Sharif, 1500 Main Street, Suite 270, Tower Square, Springfield, MA 01115 and 1242 Main Street, Ste. 314 Springfield, MA 01103, and Attorney Kevin Coyle, 935 Main Street, Springfield, MA 01103
SIGNED under the pains and penalties of perjury.

Dated:

12/9/04

